



**The Comptroller General  
of the United States**

Washington, D.C. 20548

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## **Decision**

**Matter of:** 3M Corporation--Request for Reconsideration  
**File:** B-232844.2  
**Date:** October 28, 1988

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### **DIGEST**

Protester's interest as manufacturer/supplier to a bidder who would be in line for award if the protest were sustained is not sufficient for it to be considered an interested party to challenge the proposed awardee's bid under Bid Protest Regulations which require that a protester be an actual or prospective bidder or offeror whose direct economic interest would be affected by the award.

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### **DECISION**

3M Corporation requests reconsideration of the dismissal by our Office of its protest under invitation for bids (IFB) No. MDA903-88-B-0033, issued by the Department of the Army, to furnish 3M Black Watch Magnetic Computer Tape.

We affirm our prior dismissal.

Twenty one bids were received at bid opening on August 18, 1988; 3M's bid was determined to be 15th low. We dismissed 3M's protest against various improprieties regarding the low bid because, as 15th low bidder, it was not in line for award even if its protest were sustained. Thus, we determined that 3M was not a bidder whose direct economic interest would be affected by the award or failure to award the contract and therefore not an interested party to protest under our Bid Protest Regulations, 4 C.F.R. §§ 21.0(a), 21.1(a) (1988). 3M argues now that it has a direct economic interest affected by the award because it is a manufacturer/supplier as well as a bidder under this IFB, and another bidder, an authorized 3M distributor, submitted what 3M states was the lowest responsive bid.

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Our Office generally will only review protests that are filed by a party that meets the definition of an interested party. T-L-C Systems, B-230086, Feb. 26, 1988, 88-1 CPD ¶ 204. The Competition in Contracting Act of 1984 (CICA), 31 U.S.C. § 3551(2) (Supp. IV 1986), defines an interested party as "an actual or prospective bidder or offeror whose direct economic interest would be affected by the award or failure to award a contract." This statutory definition is reflected in the language of our Bid Protest Regulations which implement CICA. See 4 C.F.R. § 21.0(a) (1988). 3M, as a supplier to another bidder allegedly next in line for award if 3M's protest is sustained, does not meet this definition since in this situation it is not an actual or prospective bidder or offeror on the protested solicitation. Thus, the firm's status is not sufficient under CICA and our regulations for the firm to be considered an interested party to challenge the proposed awardee's bid. See ADB-ALNACO, Inc., 64 Comp. Gen. 577 (1985), 85-1 CPD ¶ 633. Accordingly, we conclude that neither 3M's status as 15th low bidder nor its interest as a manufacturer establishes 3M as an interested party to protest the award.

The dismissal of the protest is affirmed.

*Ronald Berger*

for James F. Hinchman  
General Counsel